

**MINUTES**  
**Montana Fish, Wildlife & Parks Commission Meeting**  
**Helena Headquarters**  
**Helena, MT**

**JUNE 8, 2006**

**Commission Members Present:** Steve Doherty, Chairman; Tim Mulligan, Vice-Chairman; John Brenden; Shane Colton; Vic Workman.

**Fish, Wildlife & Parks Staff Present:** Jeff Hagener, Director, and FWP Staff.

**Guests:** See June 8, 2006 Commission file folder.

**Topics of Discussion:**

- 1. Opening - Pledge of Allegiance**
- 2. Approval of May 11, 2006 Commission Minutes**
- 3. Approval of Commission Expenses through May 31, 2006**
- 4. Determine July, 2006 and September, 2006 Meeting Sites**
- 5. Chronic Wasting Disease Management Plan – Informational**
- 6. 2006 Moose, Sheep & Goat Quotas – Final**
- 7. 2006 Lion Quotas – Final**
- 8. 2007 Moose, Sheep, Goat, Deer and Elk License Auction Rules – Final**
- 9. 2006/2007 Furbearer Regulations and 2006 Quotas – Tentative**
- 10. Bison Season – Tentative**
- 11. Williams Ranch Conservation Easement – Endorsement**
- 12. Coffee Creek Conservation Easement – Pheasants Forever – Endorsement**
- 13. Legislative and Budget Approval – Final**
- 14. Public Opportunity to Address Issues Not Discussed at this Meeting**

**1. Opening - Pledge of Allegiance.** Chairman Doherty called the meeting to order at 8:00 a.m. and led the Pledge of Allegiance.

**2. Approval of May 11, 2006 Commission Minutes.**

*Action: Brenden moved and Workman seconded the motion to approve the minutes of the May 11, 2006 Commission meeting with the following amendments made by Mulligan regarding the Elk discussion. (Additions are in bold italics and undesired language is struck out. The remaining language is original. Changes are reflected in the May minutes).*

“Mulligan had concerns ***about reducing HD318 antlerless tags from 150 to 75. He said he understands the biologist’s concerns*** relative to the impacts from Forest Service management, the travel management plan, increased mining, and grazing issues in HD318 where the recommendation is to reduce the number of cow tags, ***however***, he asked FWP to look at whether the management plan objectives are realistic given the direction of management by the Forest Service. ***He stated there are landowners who are having chronic elk problems on their private land in Elk Park.***

Mulligan said he ~~is interested in the survey to know~~ ***has requested that a spring green-up survey be conducted to try to determine*** how many elk are in those two districts and what is happening. “

*Action on Motion: Motion carried.*

**3. Approval of Commission Expenses through May 31, 2006.**

*Action: Mulligan moved and Colton seconded the motion to approve the Commission expenses as presented. Motion carried.*

**4. Determine July, 2006 and September, 2006 Meeting Sites.** Since the May Commission meeting was held in Whitefish, Region 1, it was suggested that the July meeting, scheduled for Kalispell, also in Region 1, be moved east. Historically, hunting season setting regulations, currently scheduled for July, has been held in Helena. Discussion followed as to when would be the most advantageous time to meet in which region this year.

*Action: Colton moved and Mulligan seconded the motion to hold the July 13 meeting in Helena, and the September meeting, if a meeting is deemed necessary, in Miles City. If no meeting is held in September, then the October meeting will be held in Miles City. Motion carried. Four in favor – one opposed (Workman opposed).*

**5. Chronic Wasting Disease Management Plan – Informational.** Tim Feldner, FWP Enforcement Division Permit Manager, narrated a Power Point presentation outlining the management plan and it’s components. The management plan is designed to prevent CWD and to manage it if is diagnosed in Montana. The components encompass Surveillance, Prevention, Management, Public Information, Research, and Funding. Over nine thousand samples (9070) were tested from various sources in Montana, and all were negative for CWD. Tests were conducted on 3,696 head of alternative livestock, which also tested negative.

**6. 2006 Moose, Sheep & Goat Quotas – Final.** Don Childress, FWP Wildlife Division Administrator, introduced Quentin Kujala as the new Wildlife Management Bureau Chief. Childress, Jeff Herbert, FWP Wildlife Division Assistant Administrator, Kujala presented the proposals.

**MOOSE**

**Region 1 through Region 5**

No recommended changes to the tentatives.

*Action: Brenden moved and Workman seconded the motion to approve the final Moose, Sheep and Goat quotas as recommended by the Department.*

Chairman Doherty asked for comments from the public. There were none.

*Action on Motion: Motion carried*

## **BIGHORN SHEEP**

### **Region 1, 3, 5 and 6 - Sheep**

No recommended changes to the tentatives.

### **Region 2 - Sheep**

Three recommended changes to the tentatives.

LPT 250-00: Increase either-sex quota from 1 to 2 (change to tentative)

LPT 261-00: Increase either-sex permits from 2 to 3 (change to tentative)

LPT 270-00: Increase either-sex permits from 8 to 14 (change to tentative)

### **Region 4 – Sheep**

LPT 424-00: Increase either-sex licenses from 5 to 7 10 (change to tentative)

LPT 424-30: Increase adult ewe licenses from 15 to 5 20 (change to tentative)

*Action: Colton moved and Workman seconded the motion to approve the Regions 1 through 6 final Bighorn Sheep quotas as recommended by the Department.*

Chairman Doherty asked for comments from the public. There were none.

*Action on Motion: Motion carried.*

## **MOUNTAIN GOAT**

### **Regions 1, 2, 3, 4 , and 5– Mountain Goat**

No recommended changes to the tentatives.

*Action: Colton moved and Brenden seconded the motion to approve the Regions 1 through 5 final Mountain Goat quotas as recommended by the Department.*

Chairman Doherty asked for comments from the public. There were none.

*Action on Motion: Motion carried.*

## **7. 2006 Lion Quotas – Final.**

### **Regions 3 through 7 – Mountain Lion**

No recommended changes to the tentatives.

*Action: Mulligan moved and Colton seconded the motion to approve the Regions 3 through 7 final Mountain Lion quotas as recommended by the Department.*

Chairman Doherty asked for comments from the public. There were none.

*Action on Motion: Motion carried.*

### **Regions 1 and 2 – Mountain Lion**

No recommended changes to the tentatives.

*Action: Workman moved and Mulligan seconded the motion to approve the Regions 1 and 2 final Mountain Lion quotas as recommended by the Department.*

Chairman Doherty asked for comments from the public. There were none.

*Action on Motion: Motion carried. Four in favor – one opposed (Brenden)*

Brenden stated he opposed the motion to remain consistent with his opposition to the recommendations when they were originally proposed as tentatives.

## **8. 2007 Moose, Sheep, Goat, Deer and Elk License Auction Rules – Final.**

No recommended changes to the rules. Upon Commission approval, bids will be solicited.

*Action: Mulligan moved and Brenden seconded the motion to approve the final 2007 Moose, Sheep, Goat, Deer and Elk Auction / Lottery Rules.*

Chairman Doherty asked for comments from the public. There were none.

*Action on Motion: Motion carried.*

**9. 2006/2007 Furbearer Regulations and 2006 Quotas – Tentative. Quentin Kujala, FWP Wildlife Management Bureau Chief,** presented the furbearer regulations. Swift Fox were not included in the proposals. Public comment will be solicited following approval of these tentatives. Mulligan stated that these statewide proposals were drafted in response to requests by houndsmen.

**Statewide General Trapping Regulations**

- Maximum snare height (12 inches to bottom of loop) to reduce incidental trapping of mountain lion.
- Maximum snare round loop diameter of 12 inches to reduce incidental trapping of mountain lion. This will require a stop permanently affixed to the snare.
- Requiring snares to be fastened to an immovable object so that existing breakaway features may function. This would preclude the use of drags.

*Action: Mulligan moved and Workman seconded the motion to approve the Statewide General Trapping Regulations as recommended by the Department.*

Chairman Doherty asked for public comment.

John Graham, Jordan – manufactures one of the snare systems. Disagreed with the proposed 12-inch loop size; the loop is the width of the trail - the height of the loop catches the animal. Height regulations need clarification, and snares should be anchored solid. The loop is not large enough the way it is proposed, and he does not feel a loop size restriction is necessary. He agrees with the breakaway and solid snare proposals.

James Halseth, Montana Trapper's Association – is not in favor of snare loop size. It would affect coyote snaring. If this goes into effect, it should specify "the original setting". They support the breakaway and solid snare proposals.

Dave Wallace, Montana Trapper's Association - feels no more rules and regulations are needed and asked how many incidental lions were taken last year.

Bob Sheppard, Montana Trapper's Association – in favor of solid attaching of snares.

Mulligan asked where the Department got the background information that established the basis for these recommendations, and how many incidental takes there were.

Brian Giddings, FWP Statewide Furbearer Coordinator, said the recommended changes are similar to those in North Dakota. He said that over the last ten years there have been a number of situations where dogs have been caught in the snares, therefore these regulation changes were initiated. He also receives reports of lions getting caught in the snares as well. North Dakota has found that these regulations have been effective in protecting dogs from getting caught in traps, and have helped to address the taking of lions in snares. Incidentally taking wolves is another concern as they are

considered to be a threatened species and therefore protected. Giddings did not have an exact number of snared lions. He stated that the proposed Breakaway regulation was due to ungulates being caught in snares. The breakaway is designed to allow ungulates to kick out – a large animal with force could kick out, but something caught around the neck could not get away.

*Action on Motion: Brenden moved to amend the motion to delete the first two items under the Statewide General Trapping Regulations.*

*Discussion on motion:* Mulligan and Colton stated they wanted to hear more comments from the public.

*Action on Amendment to the Motion: No second to the amendment. Motion failed.* (Reverts back to original motion by Mulligan and Workman).

*Action on Motion: Motion carried. Four in favor – one opposed (Brenden).*

#### **Statewide Furbearer Regulations.**

- Increase minimum opening size (80 square inches) and trigger setback (10 inches) for body-gripping ground sets.
- Incorporate Cross-country Ski and Hiking Trails and add roads under the inclusive heading of Public Lands Roads and Trails.
- Incorporate 50-foot setback for all ground sets including snares from Public Lands Road and Trails. This would add roads to setback requirements, would increase the setback distance (from 30 feet) and would incorporate all ground sets instead of just those sets using body-gripping traps.
- Add Public Trailheads to regulation of 1000-foot setback.
- Change pelt tagging requirements for reported species (otter, bobcat, fisher, and wolverine) from 10 days after season closure to ten (10) days after harvest.

Giddings explained that the Trapping Advisory Committee recommended the 1,000-foot setback from public trailheads in an attempt to avoid potential problems with dogs being caught in traps in these areas where dogs typically run free. The 1,000-foot setback is also consistent with what has been proposed for public campground areas. The 50-foot setback on roads enlarges the area, however it will be evaluated to determine if it is indeed a sufficient distance; if not, it can be expanded. There needs to be enough of a buffer between where dogs are running and where traps are set. Highways and county roads remain at a 30-foot setback.

*Action: Mulligan moved and Workman seconded the motion to approve the Statewide Furbearer regulations as recommended by the Department.*

Mulligan stated that he supports the trapping community, and he realizes trappers don't want more regulations placed on them, but the use of trails is greatly increasing and conflicts are not in the best interest of trapping. Eliminating conflicts will help the trapping community. It is essential to keep dogs out of traps. Trappers are greatly outnumbered by dog owners so it is not realistic to expect them to leash their dogs on public ground and in the wild.

Colton said there are enforcement issues/problems in Region 5 and Region 7 relative to the 10-day harvest requirement. He wants to hear comments and solutions.

Chairman Doherty asked for public comment.

John Hughes, Montana Trapper's Association – sat on the advisory council and when this setback was brought up, many folks on the committee felt it would limit the ability to trap. He said the 50-foot setback on trails will be tight for coyotes, and he urges FWP to leave it the same in eastern Montana. He supports the 1000-foot setback on trailheads. He thinks it is a very big hardship to report his take – he wants game wardens available to tag them.

Ed Hebbe III - at one time there was 5 days tag time. He was told it was his responsibility to get the animal tagged. Trying to raise someone (warden) over the Christmas season was not easy. Reporting can be a headache.

Andy Weiser – the 10-day tagging requirement last season was streamlined and worked well. No reason to change it. Works great.

Mike Koeppen, Florence – has had problems with his dogs getting caught in traps. He is pleased that the limit is at least 50 feet off the trail – he had proposed 100 feet in a recommendation he had previously sent to the Commissioners, but this is helpful. Conibears are difficult to release dogs from – women often lose their dogs in them. He urged the Commission to pass these recommendations.

Ed Hebbe – the issue is control of dogs and not of traps. 50 feet off a trail can make it 50 feet up a hill or down a hill.

John Graham - sometimes roads are only roads during hunting seasons. He ran 1,800 snares at one time. Fox and coyote trapping in eastern Montana is along roads. He agrees with the setback on trailheads. He has taken 54 bobcats.

**Jim Kropp, FWP Enforcement Division Administrator**, stated that regulations have been relaxed over the years. It used to be a tagging requirement to report and bring the animals into only the regions you trapped them in. That has been relaxed to allow them to be tagged in any region. The 5-day reporting requirement, a proposal by the warden captains and the wildlife managers, was changed to 10 days, and now it has been changed to 10 days *after* the season closes. If all trappers were organized, the wardens could decipher when and where the animals were killed, but most come in with a bag of skulls and no information. “There are many problems that cannot be solved today, but the biology of it is falling apart. Many cats are being taken in one region and reported as coming from another, there are cats taken without being reported, and cats are placed in freezers to be reported the next year. It should be worth it to the trappers that are *benefiting* from wildlife to take the time to assure that they are doing it right, and assure they leave some animals for the future. Ten days after the season, wardens have to be available in case one of these trappers calls and needs to bring them in. There are not many wardens in Montana, they have many responsibilities to attend to, and Montana is a large state for them to cover. Also, there are other FWP personnel and biologists can tag these animals.

Paul Schmidt - you are dealing with the difference between commercial and sport killing when comparing furbearers to big game species. He said MTA has emphasized keeping records. It costs money to take time to tag cats, especially when they live far away from a town. Dog owners are responsible for their dogs.

Doherty stated that the definition of roads and trails must be made clear and must be easily understandable for trappers. He questioned whether something could be done differently in eastern Montana than in western Montana, and he added that the \$3 gas also costs FWP money when wardens must travel around tagging pelts.

Mulligan – said the present regulations are not working. Although there are trappers that follow the laws and do things right, there are too many who are taking advantage of the monetary value of cats. There is a race to kill them, there are quota overruns, there are people killing them in one region and claiming them in another, and there are still others who kill them and put them in the freezer. He said this 10-day regulation has effectively handcuffed the wardens in their enforcement duties.

*Action on Motion: Motion carried. Four in favor – one opposed (Brenden).*

Mulligan recommended adding the same wording to the furbearer regulations as is in the big game regulations regarding inspection. That would allow wardens to see the animals upon their request. Now they have to get search warrants to serve on those trappers who do not want to show their animals. He is frustrated. The Department needs to police the trappers or they will sink their own ship.

*Mulligan moved and Workman seconded the motion to add the same wording to the furbearer regulations as is in the big game regulations regarding inspection to read: Inspection: Furbearers taken must be shown to FWP enforcement for inspection when requested.*

Jim Halseth – wardens need probable cause to get a search warrant when they think a law has been broken. If a warden wants to look at his animals, he should be able to say no to the warden.

Kropp said the bottom line is that hunting, fishing, trapping, and recreating is a privilege and not a right. All that FWP is asking for is if a situation occurs where enforcement feels a need to look at the animals, they should be able to see them. He said “if you report it and it is in your possession and there is a reason we need to look at it, we should be able to look at it.”

Andy Weiser – agrees with Kropp. If someone want to see his cats, he will be happy to show them. He wants to make only one trip to tag cats ten days after the season.

John Hughes – what is it they want to inspect? He skins his and the carcass is gone.

Don Bothwell – asks before this is passed, make it specific to whatever animal they want to inspect.

*Action on Motion: Motion carried. Four in favor – one opposed. (Brenden).*

### **Statewide Furbearer Quotas and Boundaries**

- Lower Trapping District 1 bobcat limit from 7 to 4 per trapper to spread out harvest opportunity among a larger number of trappers in an effort to increase number of days season open under quota system.
- Decrease Trapping District 6 bobcat quota (125 to 100) while population trend parameters are slightly negative, particularly a decline in the proportion of juveniles.
- Realign boundary between Trapping District 5 and Trapping District 7 south of the Yellowstone River to eliminate confusion and Trapping District reporting errors by trappers.

Kujala said a review of harvest statistics has indicated reductions in quota are necessary. Giddings said that proposal came from Region 6 – their greatest concern is the low juvenile ratios to adult female ratios. There is low reproduction numbers, which indicates a decline in population.

*Action: Workman moved and Colton seconded the motion to approve the Statewide Furbearer Quotas and Boundaries as recommended by the Department.*

Chairman Doherty asked for public comment.

John Graham – Region 6 is large and there is a lot of area that does not get trapped. FWP closes quotas down in anticipation of what is expected to be killed.

Jim Halseth - traps bobcats and took 66 last year and a high number were kittens.

Ed Hebbe – there are houndsmen who buy trapping licenses who do not set traps which cuts into their trapping quotas.

*Action on Motion: Motion carried. Four in favor – one opposed. (Brenden).*

Doherty asked about wolverines in southwestern Montana. He said a research project had been stopped because there were no wolverines. There have been incidental takes of wolverines.

Kurt Alt, FWP Region 3 Wildlife Manager, said the Pioneer Project was a great example of how research should not be conducted under our permitting process. The Pioneer project over-trapped. The Pioneer Project was a disaster. A settlement has since been reached, and they are now adhering to another agreement. There are two other projects in Montana that are working well with the trappers and with FWP. The Wildlife Conservation Society is working superbly with FWP.

Lisa Upson, Predator Conservation Alliance, said the PCA works for positive human-predator inhabitation, and they appreciate the lower quotas. There was a problem with the Pioneer Project. She said there still isn't much information on wolverines. A mortality paper will come out with more information. She urged the Commission to reduce the quotas until more is known about wolverines – to err on the side of caution.

Mulligan expounded further on the frustration he is experiencing. He said he feels he has been had. He is in favor of preserving the trapping industry and does not want it to have a bad impression. He recognized that the trapping association is working with the state on training, which is a significant step. A small percentage of trappers are causing grief. The warden's hands are tied.

**10. Bison Season – Tentative. Don Childress, FWP Wildlife Division Administrator and Kurt Alt, FWP Region 3 Wildlife Manager,** presented the bison tentatives. Childress said people in general were satisfied with the overall season structure last season.

Last year most hunters went to the Gardiner area rather than the West Yellowstone area. This year FWP is proposing two separate districts, HD385 and HD395, to further explore opportunities.



Everyone would not be hunting in the same general area. The number of licenses would increase from 50 to 100, with 30 going to the Gardiner area and 70 to the West Yellowstone area. Sixteen licenses will be offered to the tribes. There would be three time periods in each district.

Cow-only licenses will be issued to address wildlife management - hunting only the bulls will not move management forward. The intent is not to kill every bison that crosses the boundary line. The tribes will be provided the first opportunity for a random drawing.

#### **Tentative 2006-2007 Bison Hunting Regulations and Quotas**

##### **HD 385 (Gardiner Basin)**

**385-00:** 10 licenses Nov 15, 2006 – Jan 16, 2007

either-sex Bison

**385-01:** 15 licenses Jan 17, 2007 - Feb 15, 2007

either-sex Bison

**385-10:** 5 licenses Jan 17, 2007 – Feb 15, 2007

cow/calf Bison only

##### **HD 395 (West Yellowstone)**

**395-00:** 20 licenses Nov 15, 2006 – Dec 19, 2006

either-sex Bison

**395-01:** 20 licenses Dec 20, 2006 – Jan 16, 2007

either-sex Bison

**395-10:** 5 licenses Dec 20, 2006 – Jan 16, 2007

cow/calf Bison only

**395-02:** 20 licenses Jan 17, 2007 – Feb 15, 2007

either-sex Bison

**395-11:** 5 licenses Jan 17, 2007 – Feb 15, 2007

cow/calf Bison only

- Hunters may apply for one hunt period in one hunting district.
- First randomly allocates to each of 8 tribes two either sex licenses in randomly drawn hunt periods and hunting districts.
- Maintains constraints established in statute and EA.

*Action: Brenden moved and Workman seconded the motion to adopt the 2006 Bison Hunting Regulations as recommended by the Department.*

*Discussion on Motion:* Colton said he liked the proposal overall, but asked if there is a possibility to reissue tribal licenses that are turned back in.

Childress said the Commission has the authority to stipulate re-issuance in the regulations. It would need to be included in the tentatives at this meeting.

Hagener noted that the Montana Stockgrowers Association is holding their annual convention at this time so they could not attend today's Commission meeting, but Hagener said one of their concerns is that gut piles on the ground could transfer diseases. They want the reproductive tracks removed to avoid brucellosis.

Keith Aune, FWP Wildlife Resources Chief, said that based on information regarding resistance and disappearance rate on tissues of brucellosis, the season has been structured so that it would not cause potentially infectious tissues to be on the landscape at the time cattle and other livestock were on the land grazing. Requiring people to pick up and drag around potentially infectious reproductive tissue would create an uncontrolled pile of tissue that could spread disease. He said it is better to leave it on the ground to decompose and be picked over by scavengers.

Colton said he assumes FWP is still subject to terms in the Cooperative Agreement with Department of Livestock (DOL) and the hazing operations in HD395. If a season is closed due to hazing operations, does the opportunity transfer or carry over? Childress replied that FWP will still work with DOL, and assured the Commission that DOL has reviewed these proposals. He said that even if the season is closed for hazing, there should still be ample opportunity to hunt.

*Action on Motion: Colton moved to amend the motion to include the stipulation that FWP will reallocate, through the general drawing, tribal licenses that are turned back to FWP. Brenden accepted the amendment to his motion.*

Mulligan asked if hunters would be afforded another later opportunity if there were no opportunity during the early season.

Alt said the distribution of the permits is realistic to the timeframes that bison will be available. FWP is attempting to manage bison as closely as possible to the management of other species. There are periods in late season elk hunts that involve park elk, which are not available, so it is standard not to avail another later opportunity for bison. People may not be successful in their bison hunt, the same as with unsuccessful elk hunters.

Childress reiterated that the intent is not to kill all the bison that cross the line. There is a long-term management plan to attend to. It is a game of chance. Incremental changes are being initiated to determine what works and what provides the greatest opportunity. The Governor's office is looking into increasing the area in which the buffalo can roam – negotiations are in progress.

Doherty said a lot of buffalo were taken to slaughter last year, and hunters have commented on that. If toward the end of the season the bison come out of the Park in large numbers, the Commission will address later seasons. He asked when FWP will regulate the bison as a game animal since it is being treated as a game animal. Hagener replied that that will happen when the legislature changes the statute.

Hagener stated that last year the Nez Perce Tribe claimed treaty rights and took five bison. They are likely to be back this year. FWP has sent letters to them asking them to advise the Department when they plan to come, however no response has been received.

Childress added that some of the other tribes are claiming treaty rights but they have not provided proof of that as of yet, but that needs be kept in mind when issuing licenses.

Chairman Doherty asked for public comment:

Larry Copenhaver, MT Wildlife Federation – two seasons ago they opposed the hunt, but last year they supported it. This year's hunt is looking good. They appreciate FWP's attempt to manage bison, and they support the attempts to gain larger hunting areas. He understands that the Governor's office is looking into purchasing land that will help alleviate livestock owner's fears. They support the specific cow and calf licenses, but cautioned any variance in prices between cows and bulls.

Josh Oshure, Buffalo Field Campaign – has problems with this style of hunting, but appreciates that FWP has looked into the distribution of permits and is getting away from trophy hunt. Opposes hunting at this time based on the fact that there is not sufficient habitat, and that DOL is involved. It is encouraging to see the state take a more positive position. It alarms him to hear the statement that more tags should be issued to ensure that hunters fill their opportunities - no hunt has 100 percent success rate. There is no plan for bison for Montana other than the Interagency Plan. The only plan is how many can be harvested. The decision on how many permit to issue should be based on the health of bison, how many animals, etc. It seems appropriate that the first opportunity should be offered to the tribes. He said there are habitat areas available that are not being considered by the Governor.

Daryl Geist – we cannot expect that every year the quota will be filled. Need long-term observations on habitat. Prime habitat is being bought up for development, and not opened up for bison. Must focus on habitat protection and corridors, and sufficient range for refuge.

Mike Mease, Buffalo Field Campaign – witnessed the majority of the hunt. They want to emphasize the need for year round habitat. No other species has a specific line to step over. Part of the cost of the tags could be used to acquire more habitat. Horse Butte has not been utilized. The Governor is taking a first step, but he said not to totally rely on the Governor. Discuss how we can let the bison breathe and come out of the Park. The Park is not ideal habitat and they need to come out to eat. If we do not allow them to come out, we are not good stewards. He commended FWP for their efforts.

*Action on Motion: Motion carried.*

**11. Williams Ranch Conservation Easement – Endorsement. Don Childress, FWP Wildlife Division Administrator**, explained that this proposal is to purchase a 432-acre conservation easement north of Wolf Creek from Ms. Judy Williams, at the cost of \$150 per acre. Acquisition of this acreage would connect the two separate parcels of the 3,869-acre Bay Ranch Conservation Easement that lie on either side of it. Acquisition of this easement would benefit the wildlife and habitat in the area.

*Action: Workman moved and Colton seconded the motion to approve negotiations with Judy Williams for acquisition of the conservation easement on the portion of her ranch located between the two parcels of the Bay Ranch Conservation Easement. Motion carried.*

**12. Coffee Creek Conservation Easement – Pheasants Forever – Endorsement. Don Childress, FWP Wildlife Division Administrator**, explained that this proposal is for the purchase of an 800-acre conservation easement from the Central Montana Chapter of Pheasants Forever who holds title to the land. It is located north of Denton and consists of 480 acres of CRP, 80 acres of riparian creek bottom, and 240 acres of native grassland. It adjoins 1,100 acres of DNRC school trust land, and provides habitat for pheasants and mule deer. Pheasants Forever has controlled this land for the last 6 to 7 years. Childress said the cost has not yet been determined, however Pheasants Forever is not looking to make a profit from the sale of the land.

*Action: Colton moved and Mulligan seconded the motion to approve the pursuit of a negotiated conservation easement with Pheasants Forever on their 800-acre property in Fergus County. Motion carried. Four in favor – one opposed (Brenden). Brenden stated he opposes the motion only because he does not know the cost of the easement.*

**13. Legislative and Budget Approval – Final.** Director Hagener announced that, at Brenden's request, a representative from the State Auditor's Office, Jim Gillette, was present to answer any questions.

Brenden stated that his concern stemmed from his recent procurement of the legislative audit, which indicates that over three million dollars in exceptions were not accounted for. The budget was discussed at the January Commission meeting, however he said he was not made aware of the availability of the legislative audit booklet. He requested an auditor be present to address these discrepancies.

Hagener said it was FWP's intent to provide all of the Commissioners with a copy of the audit, and thought everyone had been provided with one. Mulligan and Colton stated that they had indeed received a copy. Mulligan said all organizations will have findings, but what is important is that they be willing to deal with those exceptions. **Sue Daly, FWP Chief of Finance**, stated that the audit was taken seriously and FWP is responding to the issues.

Hagener said FWP has met with two legislative committees and all is in place now. The exceptions had indeed been recorded and accounted for, however they were recorded differently than the auditor thought they should be. That money already had appropriations – it was not extra money. Hagener added that budget and legislative proposals had been submitted the first part of May, but have not yet been approved. He said the legislative proposals are merely concepts at this point.

Daly stated that the Commission approved the Department's priorities at their January meeting. Those were reviewed and submitted to the Governor's office the first part of May. FWP was directed to request lesser fee increases on a more frequent basis rather than request larger increases less often.

Daly said FWP has 60 different funding sources from which to fund its programs, and it is the Department's responsibility to submit a balanced budget to the Governor. There are several trust funds that allow only the interest earned on them to be spent. FWP is requesting general fund authority for an appropriation to help match federal funds for species of special concern and non-game programs.

Daly briefly described the new project proposals.

**Communications and Education** – Additional funding to address the rising costs of printing and distributing hunting and fishing regulations.

**Field Services** – Land steward to monitor compliance with existing easement and establish relationships with landowners and a project engineer to provide support in parks construction projects, and fishing access sites projects.

**Fisheries** – Two biologist positions, an operations costs adjustment to cover increased costs in contracts with USGS and DNRC, two half-time fisheries technicians, and authority to spend federal funds to match statewide wildlife grants.

**Information Services** - High speed internet access for enhanced access to statewide computer systems.

**Enforcement** – Two regional investigators (contingent on legislation), a recreation warden whose primary focus would be on water-based parks and fishing access sites, radio dispatch funding to support MHPs dispatchers who also support FWP, and a vacancy savings exemption to reduce the burden place on wardens when forced to cover additional areas due to vacancies within the division.

**Management and Finance** - Coordinator for state wildlife grants and energy impacts to address impacts of expanding energy development and to implement the comprehensive conservation strategy, an agency safety officer, funding to reimburse per diem costs to citizens who serve on the agency citizens advisory committees, and funding to cover office rent for the Lewistown and Havre Area Offices who must relocate their facilities.

**Parks** – Additional support to provide maintenance duties at fishing access sites, funding for parks operations and maintenance, funding to hire a park ranger at Rosebud Battlefield, and funding to hire a Heritage Coordinator to manage the cultural and historic records regarding Montana's parks.

**Wildlife** – Hire a black bear and mountain lion conflict specialist to address urban wildlife issues, funding for moose mortality studies, funding for an automated harvest survey project for enhanced reporting, and a request for authority to spend matching funds for Statewide Wildlife Grants.

The FWP Capitol Projects – House Bill 5 - are funded through earmarked funding sources through biennial appropriations. Statutes mandate where money goes and what can be done with it. They are:

**Fisheries**

- Future Fisheries, FAS Maintenance
- FAS Site Protection
- FAS Acquisition
- Hatchery Maintenance
- Community Fishing Ponds
- FWP Dam Repairs

**Wildlife**

- Habitat Montana
- Upland Game Bird Program
- Wildlife Habitat Maintenance
- Migratory Bird Stamp Program
- Mountain Sheep Auction

**Parks**

- Parks Program
- Grants Program

**Department-wide Projects**

- Administrative Facilities Repairs and Maintenance

**Chris Smith, FWP Chief of Staff**, explained that 14 legislative concepts had been submitted to Governor's office for consideration. Those proposals are as follows.

- Remove the Sunset to Make the Future Fisheries Program Permanent

- Remove the Sunset on Prairie Dog Management

- Remove the Sunset from the Instream Leasing Authority and allow the Transfer of Water to Instream Flow

Propose Statutory Changes Recommended by the PL/PW Council  
Make Illegal Outfitting a Felony (MOGA may introduce this if they locate a willing legislator)  
Revise Funding of the Fort Peck Hatchery Operations  
Revise the Boating Under the Influence Laws  
Require a Trapper Safety and Education Course  
Establish FWP Enforcement Authority for Minors In Possession of Intoxicating Substance  
Revise FWP's Outdated Publication Requirement for Hunting and Fishing Regulations  
Direct All Restitution Fines for Law Enforcement  
Increase the Commission's Authority to Set Reduced License Prices for Game Management Purposes  
Make Violations of Snowmobile Statutes Criminal Rather than Civil  
Repeal the Outdated Montana Conservation Corps Statutes

Brenden said he feels Ft Peck is being discriminated against. He sees the need to promote legislation to fund it. Smith said that will be a contentious issue. The trout anglers are not willing to see their dollars expended to produce warm water fish.

*Action: Colton moved and Mulligan seconded the motion to approve the legislative and budget proposals as outlined by the department. Motion carried. Four in favor – one opposed (Brenden)*

*Action: Workman moved to remove the conflict (bear) specialist from the proposed projects. No second to the motion. Motion failed.*

#### **14. Public Opportunity to Address Issues Not Discussed at this Meeting.**

Workman asked that staff look into the following proposals for the near future.

Expand the pheasant season two more weeks in January  
Requiring two tags for ungulate species (one for head/antlers/horns and second for carcass)  
Mandatory reporting of previous years hunting and fishing harvest before purchasing licenses for the next year  
Opening all WMAs for antler gathering at the same time during daylight hours  
Forcing hunters to choose between archery and rifle hunting. (Too much wounding by part-time archers)  
Issuing a cow elk tag along with bull tags in special permit areas to encourage more take of cows

Workman asked how many resident hunting licenses are sold annually. Hagener replied that approximately 190,000 resident conservation licenses are sold annually.

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*Action: Mulligan moved and Workman seconded the motion to adjourn. Motion carried.*

Meeting adjourned at 3:07 p.m.

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**Tim Mulligan, Vice-Chairman**

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**M. Jeff Hagener, Director**